

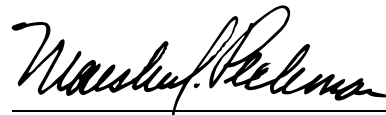
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KIM LAWRENCE SHYVERS, )  
 ) CASE NO. C12-0959-MJP  
Petitioner, )  
 )  
v. ) ORDER DENYING PETITIONER'S  
 ) HABEAS PETITION WITHOUT  
VINCENT GOLLOGLY, et al., ) PREJUDICE  
 )  
Respondents. )  
\_\_\_\_\_ )

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's habeas petition and this action are DISMISSED, without prejudice;
- (3) Petitioner is DENIED issuance of a certificate of appealability, and
- (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this \_21st\_ day of \_\_\_September\_\_\_, 2012.

  
Marsha J. Pechman  
United States District Judge